

EIGHTH REGULAR SESSION

Johnstown, NY

August 13, 2012

Roll Call – Quorum Present

Supervisors: Argotsinger, Born, Bradt, Callery, Capek, DiGiacomo, Fagan, Gendron, Handy, Howard, Johnson, Kemper, Kinowski, Lauria, MacVean, Ottuso, Ponticello, Potter, Waldron

TOTAL: Present 19 Absent: 1 (Supervisor Ottalagano)

Chairman Gendron called the meeting to order at 1:00 p.m., with Supervisor Ottalagano absent upon roll call. Following the Pledge of Allegiance to the Flag, Chairman Gendron then asked if there was anyone present from the public who wished to address the Board.

Jack Kinzie, 6 Foster Road, (Town of Johnstown) – Mr. Kinzie said that the 2010 issue related to \$3 million that is “missing” from the Economic Development Corporation (EDC) and the Crossroads Incubator Corporation (CIC) is still unresolved. He made reference to a 29 July 2012 news article in the Leader Herald wherein the Center for Regional Growth (CRG) is asking the County to raise its funding from \$25,000.00 to \$75,000.00 for 2013. Mr. Kinzie said that the agency scandal of the EDC and the CIC has not been put to rest and no one has been held responsible. Mr. Kinzie said that the NYS Attorney General has “white-washed” this whole incident. Mr. Kinzie urged the Board of Supervisors not to allocate the \$75,000.00 requested by the CRG. Mr. Kinzie further urged the Board of Supervisors to get to the bottom of this issue because, “it won’t die until you do”.

Supervisor Handy then moved for a Republican Caucus. The Board recessed for the Caucus at 1:09 p.m. and reconvened into Regular Session at 1:23 p.m.

There being no further public speakers, Chairman Gendron called for review of Communications and Reports.

COMMUNICATIONS

1. Letter from Andrew SanFilippo, Executive Deputy Comptroller, to Michael Gendron, Chairman of the Board, dated 7/27/12
Subj: Reply to the Chairman’s request for audit of Center for Disability Services for billing errors and/or fraud.
2. Letter from Shayne Walters, Chairman, Montgomery County Board of Supervisors, to Michael Gendron, Chairman of the Board, dated 8/6/12
Subj: Copy of Montgomery County’s request to NYS Comptroller to audit the Center for Disability Services for billing errors and/or fraud.

REPORTS

- A. NYSAC Report regarding Tentative 2012 State Legislative Session Summary
- B. Fulton County Public Health Department – 2011 Evaluation of Program Services

Chairman Gendron opened the Public Hearing to receive comments regarding the tentative budget for the Fulton-Montgomery Community College, as related to the financial share and obligation of Fulton County for the fiscal year beginning September 1, 2012, at 1:24 p.m.

Chairman Gendron then recognized Dr. Dustin Swanger, President, Fulton-Montgomery Community College, to provide a brief summary of the proposed FMCC Tentative Budget for 2012-2013.

Dr. Swanger stated that the Board of Supervisors would be considering FMCC's operating budget of \$20,049,603.00 at today's meeting. Dr. Swanger explained that this would be the fifth year in row that FMCC would not be asking for an increase of sponsor support. He further stated that with the budget, tuition would be increased by \$50.00 per year. Dr. Swanger explained that he is in favor of small tuition increases periodically, rather than large sporadic hikes. Dr. Swanger further explained that State aid is increasing by \$150.00 per full-time student and that the college will be using \$300,000.00 of fund balance for next year.

There being no one present to speak regarding the public hearing, Chairman Gendron stated that he would leave the public hearing open to receive comments.

UPDATES FROM STANDING COMMITTEES

Finance – Chairman Fagan advised that budget reviews will be held this month, starting the week of August 20 for department budgets. He further advised that the Personnel Department reviewed their 2013 budget at the Personnel Committee meeting held on August 2.

REPORTS OF SPECIAL COMMITTEES

Inter-County Legislative Committee of the Adirondacks: Supervisor Kemper advised that a meeting was held in Herkimer County on July 19, 2012. There was a presentation on bio mass fuel in the Town of Webb. She stated that NYSAC was at the meeting and she had two updates from them. She explained that the Department of Health has sent a letter of interest to all counties for the Department of Health to take over some of the Medicaid administration work. She also discussed the Obama Health Care Act and that on January 1, 2013, the value of your health insurance was supposed to appear on your W-2, but this was being pushed back to 2016. The next meeting of Inter-County will be held at the NYSCAC conference in September.

Soil and Water Conservation District – Supervisor Ponticello advised that a meeting was held July 17, 2012. John Persch, District Field Manager, submitted a proposed budget of \$335,928.00 with a County allocation remaining at \$39,020.00. He also advised that the sales of shrubs are continuing and that Mr. Persch had a MS Power Point presentation regarding projects in process.

Chairman Gendron opened the Public Hearing to receive comments regarding including additional properties within the Towns of Johnstown and Perth in Agricultural District No. 1 in Fulton County, at 1:43p.m.

There being no one present to speak regarding the public hearing, Chairman Gendron stated that he would leave the public hearing open to receive comments.

RESOLUTIONS

Resolution No. 274 (Resolution Amending Boundaries of Fulton County Agricultural District No. 1 to Include Certain Properties in the Town of Johnstown and Town of Perth) was set aside to be discussed after the associated Public Hearing was completed.

No. 281 (Resolution Authorizing Submission of Statement of Interest to the NYS Department of Health to Perform Certain Medicaid Administrative Functions): Supervisor Callery asked what the opinion of the Commissioner of Social Services was regarding the Department of Social Services getting involved in this. Supervisor DiGiacomo explained that Mrs. Cooper, DSS Commissioner, was recommending to contract with the Department of Health for only a limited portion as outlined in the Resolution. Mr. Stead stated that this Statement of Interest was not binding on the State or the County for the takeover of the Medicaid administrative functions.

Supervisor Howard explained that he still has the same questions he had at Committee level.

No. 284 (Resolution Adopting Non-Union Salary Structure (2010-2014)): Supervisor Lauria asked if the terms and conditions specified were the same as what was approved for the Nurses Unit. Mr. Stead responded yes.

No. 290 (Resolution Authorizing Purchase of Certain Office Equipment for use in the District Attorney's Office (100%) Crime Victim Grant Funds): Supervisor Laura asked if we bought chairs for the District Attorney's office last year. Mr. Stead said yes, but not for the crime victims assistance staff.

Chairman Gendron asked if there were any members of the public who wished to make comments for the Public Hearing regarding the tentative budget for the Fulton-Montgomery Community College, as related to the financial share and obligation of Fulton County for the fiscal year beginning September 1, 2012. There being no speakers, Chairman Gendron closed the Public Hearing at 1:54 p.m.

Chairman Gendron opened the Public Hearing to receive comments regarding "A Local Law to Authorize Overriding the State-Mandated Tax Levy Limit for the 2013 Fulton County Budget", at 1:56p.m.

Chairman Gendron asked if there were any members of the public who wished to make comments for the Public Hearing regarding including additional properties within the Towns of Johnstown and Perth in Agricultural District No. 1 in Fulton County. Being no further speakers, Chairman Gendron closed that Public Hearing at 1:57 p.m.

No. 274 (Resolution Amending Boundaries of Fulton County Agricultural District No. 1 to Include Properties in the Town of Johnstown and Town of Perth):

Supervisor Fagan made a motion to amend Resolution 274 to delete the two properties Town of Perth, in the list of properties to be added to Agricultural District No. 1. The motion was seconded by Supervisor Kemper.

A VOTE WAS THEN HELD ON SUPERVISOR FAGAN'S MOTION TO AMEND RESOLUTION 274 TO DELETE THE MIDLINE ROAD PROPERTIES (PARCEL NO. 179-1-36 AND 179-1-38) IN THE TOWN OF PERTH FROM THE RESOLUTION

Supervisor Johnson stated that he would be abstaining from voting because the property owners are customers of his business.

THE MOTION WAS SECONDED BY SUPERVISOR KEMPER AND ADOPTED BY THE FOLLOWING VOTE:

TOTAL: AYES: 518 (18) NAYS: 0 ABSTENTIONS: 6 (1) (SUPERVISOR JOHNSON) ABSENT: 27 (1) (SUPERVISOR OTTALAGANO)

No. 296 (Resolution Authorizing Execution of Stipulation and Order with the Department of Health and Authorizing Payment of Fine Related to RHCF Survey in July 2011): Supervisor Callery asked why the Committee did not appeal this fine. Supervisor Callery explained that the County submitted the Plan of Correction and the State still wants to fine the County. Supervisor DiGiacomo explained that the County cannot appeal just the fine, it must appeal the violation. The violation did occur and this was confirmed when the original Plan of Correction was filed.

Supervisor Kemper asked if the County doesn't pay the fine, would there be further penalties imposed on the County. Mr. Stead said there could be and the County was fast approaching the deadline for either paying or appealing.

Supervisor Born explained that upon the initial violation a \$4,000.00 fine was paid and a Plan of Correction was filed. The RHCF could not take admissions until the Plan of Correction was approved by the State. When the second violation occurred for similar reasons, this got the State's attention and the County was fined again.

Chairman Gendron asked if there were any members of the public who wished to make comments for the Public Hearing regarding "A Local Law to Authorize Overriding the State-Mandated Tax Levy Limit for the 2013 Fulton County Budget". Being no speakers, Chairman Gendron closed the Public Hearing at 2:08 p.m.

No. 297 (Resolution Adopting Local Law "3" of 2012 entitled, "A Local Law to Authorize Overriding the State-Mandate Tax Levy Limit for the 2013 Fulton County Budget"): Supervisor Handy said the County is early in the budget process for 2013 and the County still needed several meetings and workshops. Chairman of the Board Gendron explained that the Board is still going to go through the normal budget process. Mr. Stead explained that the tax

levy wouldn't be determined until the final budget is approved by Resolution in late November. The actual budget adoption resolution is what determines the actual tax rate increase or decrease.

Supervisor Fagan said that the State pushed a 2 percent tax cap and that the County budget keeps increasing. Passing the Resolution is "just one tool in our tool box". The County is just starting the budget process and would like to see no tax increase. Supervisor Fagan said the State recently spent \$50 million to buy land in the Adirondack State Park, but cannot provide mandate relief.

Supervisor Howard explained that last year Medicaid costs from county property taxpayer dollars were \$33,035.00 per day and this year it is \$37,981.00 per day.

Chairman Gendron said that passing this Resolution is a good option for Fulton County at this time.

A motion was offered by Supervisor Fagan, seconded by Supervisor Johnson and unanimously carried, to waive the Rules of Order to take action on Late Resolutions 299-300.

OLD BUSINESS

Supervisor Callery asked if HR-BRRD paid their fine. Attorney Spring stated that the Attorney General was just served and the 10 day deadline is not up yet. Attorney Spring said that he did not think that HR-BRRD would pay their fine imposed by Judge Aulisi by the deadline.

NEW BUSINESS

Supervisor Lauria said there was a good article in the July Governing magazine regarding the subject of drug testing and that it should be enforced for anybody that receives welfare benefits.

Supervisor Fagan said that President Obama had taken out the 1996 Welfare Reform for the Welfare to Work Program. He said this is a bigger issue than drug testing.

Mr. Stead explained that Ms. Kuntzsch, Budget Director, will be handing out budget packets for the 2013 Budget Review meetings coming up next week.

Upon a motion by Supervisor Waldron, seconded by Supervisor Howard and unanimously carried, the meeting adjourned at 2:19 p.m.

Certified by:

*Jon R. Stead, Administrative Officer/DATE
Clerk of the Board*

Resolution No. 265

Supervisors ARGOTSINGER AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING A SUPPLEMENTAL GRANT AGREEMENT WITH NYS DEPARTMENT OF TRANSPORTATION (SECTION 18 MASS TRANSPORTATION)

WHEREAS, New York State Department of Transportation (NYSDOT) has awarded a grant to Fulton County, pursuant to Section 5311, Title 49, United States Code, for the Radio and Communications Technology Project that would involve installing GPS units in the buses I. Persch utilizes to operate Fulton County's Commuter Program; and

WHEREAS, Fulton County and the State of New York desire to enter into an Agreement which would authorize the undertaking of the Project and payment of the Federal and State Shares for the Project, now, therefore be it

RESOLVED, That the total cost for this Project shall be \$2,500.00 with \$2,250.00 coming from NYSDOT's Supplemental Grant and the \$250.00 local share which shall be paid by I. Persch; and, be it further

RESOLVED, That the Chairman of the Board of Supervisors is authorized to sign:

1. A Supplemental Agreement with NYSDOT in the amount of \$2,250.00 for the Radio and Communications Technology Project;
2. Any other Agreements between Fulton County and the State of New York for the Project;
3. Any and all Agreements between Fulton County and I. Persch necessary to complete the Project;
4. Any and all Agreements between Fulton County and any vendor for the purchase and/or installation of vehicles and/or equipment or facilities; and, be it further

RESOLVED, That Fulton County certifies through this Resolution that the estimated local share of \$250.00 is committed to this Project from the Third Party Contractor I. Persch Transit; and, be further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, New York State Department of Transportation, I. Persch, Planning Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

Total: Ayes 471 (18) Nays: 53 (1) (Supervisor DiGiacomo) Absent: 27 (1)
(Supervisor Ottalagano)

Resolution No. 266

Supervisors ARGOTSINGER AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CONTRACT WITH MCFARLAND JOHNSON FOR ENGINEERING SERVICES FOR THE AUTOMATED WEATHER OBSERVATION STATION PROJECT (2012 CAPITAL PLAN)

WHEREAS, the 2012 Capital Plan includes funding for an Automated Weather Observation Station Project; and

WHEREAS, Resolution 207 of 2012 authorized distribution of a Request for Qualifications to engineering firms to provide airport engineering services for the Automated Weather Observation Station Project; and

WHEREAS, four (4) qualification statements were received and reviewed; and

WHEREAS, based on the review of the RFQ committee, the Committees on Economic Development & Environment and Finance recommend contracting with McFarland Johnson for said work; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract between Fulton County and McFarland Johnson of, Binghamton, New York, to provide airport engineering services as part of the Automated Weather Observation Station Project, in the amount not to exceed \$29,943.00.00; and, be it further

RESOLVED, That said contract subject to the approval of the County Attorney; and, be it further

RESOLVED, That McFarland Johnson will apply to the Federal Aviation Administration/New York State Department of Transportation for a grant to pay for 95 percent of the cost of this Agreement; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, McFarland Johnson, All Engineering firms, Budget Director/County Auditor, Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 267

Supervisors ARGOTSINGER AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING ACCEPTANCE OF FEDERAL AVIATION
ADMINISTRATION/NYS DEPARTMENT OF TRANSPORTATION GRANTS FOR THE
AUTOMATED WEATHER OBSERVATION STATION PROJECT (2012 CAPITAL PLAN)

WHEREAS, the 2012 Capital Plan includes funding for an Automated Weather Observation Station Project; and

WHEREAS, Fulton County applied for Federal Aviation Administration/New York State Department of Transportation Grant in the amount of \$29,649.00; to be used for Non-primary Entitlement Funds for the proposed Automated Weather Observation Station Project; and

WHEREAS, the Non-primary Entitlement Grant shares are as follows:

Federal Aviation Administration	\$29,649.00 (90 percent)
NYS DOT	1,647.00 (5 percent)
County of Fulton	<u>1,647.00</u> (5 percent)
	\$32,943.00

now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to execute appropriate documentation to accept said grant funds as specified herein; and, be it further

RESOLVED, That the Planning Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Federal Aviation Administration, New York State Department of Transportation, Planning Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 268

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING SUBMITTAL OF FIVE-YEAR AIRPORT
CAPITAL IMPROVEMENT PLAN TO THE FEDERAL AVIATION
ADMINISTRATION**

WHEREAS, as a requirement for potential Federal and State reimbursement, the Committee on Buildings and Grounds/Highway hereby recommends the submission of an updated Five-Year Capital Plan for the Fulton County Airport that includes the following projects/schedule:

Year	Project	Project Est.	County Share (5%)
2013	Install Automated Weather Observation Station (AWOS)	\$ 230,000	\$ 11,500
2014	Construct Access Road to Hangars/Repair Parking Lot	\$ 50,000	\$ 2,500
2015	Update Master Plan Study/Airport Layout Plan (ALP)	\$ 90,000	\$ 4,500
2016	Expand Paved Apron	\$ 275,000	\$ 13,750
2017	Extend Runway 10 to the west	\$4,000,000	\$200,000

and;

WHEREAS, the submission of these projects as part of the Five-Year Capital Plan for the Fulton County Airport represents the County's possible listing of projects that may be considered for future State and Federal reimbursement but does not commit Fulton County to any expenditures; now, therefore be it

RESOLVED, That the Board of Supervisors, by this Resolution, hereby adopts the revised Five-Year Capital Plan for the Fulton County Airport, as hereinabove referenced; and, be it further

Resolution No. 268 (Continued)

RESOLVED, That the Chairman of the Board be and hereby is authorized and directed to submit such revised Five-Year Capital Plan for the Fulton County Airport to the Federal Aviation Administration, NYS Department of Transportation and to each and every other person, agency or institution that will further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, NYS Department of Transportation, Federal Aviation Administration, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 269

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING AGREEMENT FOR SALE OF FUEL
TO SIR WILLIAM JOHNSON VOLUNTEER FIRE COMPANY
AT THE FULTON COUNTY FUEL DEPOT**

WHEREAS, the County of Fulton operates an automated fuel depot at its County Services Complex; and

WHEREAS, the Board of Supervisors has determined that it is in the best interest of all taxpayers in the County to encourage shared services that benefit other municipalities and political subdivisions; and

WHEREAS, the Sir William Johnson Volunteer Fire Company has requested to purchase fuel from the Fulton County Fuel Depot; now, therefore be it,

RESOLVED, That upon the recommendation of the Committee on Buildings and Grounds/Highway, the Chairman of the Board be and hereby is authorized to sign an agreement for the sale of fuel at the County fuel depot to the Sir William Johnson Volunteer Fire Company at County cost, plus a 10 cent per gallon surcharge; and, be it further

RESOLVED, That a charge of \$5.50, or the actual cost of, whichever is greater, be levied for each fuel system “user key” required by Sir William Johnson Volunteer Fire Company; and, be it further

RESOLVED, That this Resolution and Agreement are contingent upon approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Sir William Johnson Volunteer Fire Company, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 270

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING TRANSFER OF CERTAIN PARCELS RELATED TO COUNTY HIGHWAY 138 RIGHT-OF-WAY TO ABUTTING PROPERTY OWNER IN THE TOWN OF BROADALBIN

WHEREAS, Section 118-a of Highway Law states in part "that whenever any county road shall have been widened, straightened, extended, drained, paved and/or otherwise improved and there shall be sections of the old road as it existed before said improvement which are of no further use for highway purposes to said county, the Board of Supervisors of said County in which said land is situated, upon the recommendation of the County Superintendent of Highways & Facilities, may abandon to the abutting owner or owners such sections or parts of the old road as it existed before said improvement which are of no further use for highway purposes...; and

WHEREAS, a portion of County Road 138 in the Town of Broadalbin from County Road 110 to Union Mills Road was reconstructed in 1940; and

WHEREAS, prior to reconstruction, the highway was surveyed and lands were purchased by the County for additional right-of-way; and

WHEREAS, Mark and Meeka Baird have proposed acquiring approximately 17,754 square feet of County highway right-of-way adjacent to their property; now, therefore be it

RESOLVED, That upon the recommendation of the Highways and Facilities Superintendent, County Attorney and Committee on Buildings and Grounds/Highway, the County Attorney hereby is authorized to convey approximately 17,754 sq. ft. of Parcel No. 123.-1-63, in the Town of Broadalbin, to Mark and Meeka Baird, the adjacent property owners, in accordance with a plan devised by the Highways and Facilities Superintendent; and, be it further

RESOLVED, That said conveyance is contingent upon the Bairds bearing all costs associated with this transfer of ownership; and, be it further

RESOLVED, That certified copies of this Resolution shall be forwarded to the County Treasurer, County Attorney, Highways and Facilities Superintendent, Real Property Tax Services Agency Director, County Clerk, Budget Director/County Auditor, Administrative Officer/Clerk of the Board and to each and every other person, institution or agency who may further the purport of this Resolution.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 271

Supervisors ARGOTSINGER AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AMENDING THE 2012 CAPITAL PLAN TO INCLUDE FUEL
TANK MONITORING SYSTEM REPLACEMENT PROJECT AT
COUNTY COMPLEX I

WHEREAS, on June 29, 2012 New York State Department of Environmental Conservation conducted a Petroleum Bulk Storage Program site inspection and determined that the existing Tank Monitoring System at County Complex I had several deficiencies; and

WHEREAS, the Superintendent of Highways and Facilities recommends replacing the existing inoperable “Red Jacket” lead detection/tank monitoring system to correct said deficiencies; now, therefore be it

RESOLVED, That upon the recommendation of the Superintendent of Highways and Facilities, Committees on Building & Grounds/Highway and Finance, the Superintendent of Highways and Facilities is authorized and directed to solicit three (3) formal written quotes to replace the inoperable underground lead detection/tank monitoring system; and, be it further

RESOLVED, That the Superintendent shall return to the Board of Supervisors for approval by Resolution to commence said project after quoting and after a determination of final project cost is known; and, be it further

RESOLVED, That the 2012 Capital Plan be, and hereby is, amended to include a “Fuel Tank Monitoring System Replacement Project (County Complex I)” at a project cost of \$26,000.00; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Planning Director, Budget Director/County Auditor and Administrative Officer/Purchasing Agent.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 272

Supervisors ARGOTSINGER AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING BOILER CONVERSION PROJECT AT THE DSS COOPER BUILDING

WHEREAS, New York State Department of Environmental Conservation (NYSDEC) conducted a Petroleum Bulk Storage (PBS) Program site inspection at the DSS Cooper Building on May 7, 2012 and determined that the fuel tank and associated underground piping was not in compliance with the NYSDEC PBS standard; and

WHEREAS, the Superintendent of Highways and Facilities recommends retrofitting the existing oil fired equipment to natural gas and removing the underground fuel tank and associated piping rather than installing more costly equipment associated with fuel tank monitoring and containment; and

WHEREAS, the Commissioner of Social Services has advised that a portion of said project costs are a reimbursable expense via state aid; now, therefore be it

RESOLVED, That upon the recommendation of the Superintendent of Highways and Facilities, and the Committees on Building & Grounds/Highway and Finance, the Superintendent of Highways and Facilities is authorized and directed to solicit quotes for converting oil fired equipment at the DSS Cooper Building to natural gas, including the removal of the underground fuel oil tank and associated piping as necessary; and, be it further

RESOLVED, That the 2012 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-3610.000 DSS Administration	\$4,500.00
Increase A-083-4610.000 DSS Administration	\$9,000.00

Appropriation Account:

Increase A-505-6010.201 DSS Capital	\$13,500.00
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and, be it further

Resolution No. 272 (Continued)

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: A-285-1990.400 Contingent Fund Expense

To: A-505-6010.201 DSS Capital

Sum: \$4,500.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Commissioner of Social Services, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 273

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING EXTENSION OF PILOT PROGRAM FOR
ACCEPTANCE OF ELECTRONICS RECYCLABLES AT COUNTY
TRANSFER STATIONS THROUGH 2012

WHEREAS, Resolution 116 of 2012 authorized a pilot project for acceptance of electronics recyclables at county transfer stations during July 2012; and

WHEREAS, the Solid Waste Director reported to the Committee on Economic Development and Environment that the pilot program was a success; now, therefore be it

RESOLVED, That upon the recommendation of the Solid Waste Director and Committee on Economic Development and Environment, the Electronics Recyclables Program is hereby extended through December 31, 2012, at which time the Director of Solid Waste shall report on whether or not to continue said program; and, be it further

RESOLVED, That the Solid Waste Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 274

Supervisor BRADT offered the following Resolution and moved its adoption:

RESOLUTION AMENDING BOUNDARIES OF FULTON COUNTY AGRICULTURAL DISTRICT NO. 1 TO INCLUDE CERTAIN PROPERTIES IN THE TOWN OF JOHNSTOWN

WHEREAS, New York State Agricultural Districts Law, Section 303-b, was amended to allow landowners to request inclusion of their property in an existing Agricultural District during an annual 30-day time period; and

WHEREAS, Resolution 239 of 2012 set the date of a public hearing on a request from a property owner in the Town of Johnstown and in the Town of Perth to be included in Agricultural District No. 1 as follows:

<u>Property Owner</u>	<u>Address</u>	<u>Parcel No.</u>	<u>Total Acres</u>
Paul Chupka	Midline Road (Perth)	179-1-36	1.6
		179-1-38	1.6
	North Bush Road (Johnstown)	131-1-32	48.4
	Sweet Road (Johnstown)	131-1-31.1	57.9

and

WHEREAS, said public hearing was held on Monday, August 13, 2012 in the Board of Supervisors Chambers to receive comments on said request and anyone who was present to speak was heard; now, therefore, be it

RESOLVED, That the following parcels in the Town of Johnstown be and hereby are included in Fulton County Agricultural District No. 1:

<u>Property Owner</u>	<u>Address</u>	<u>Parcel No.</u>	<u>Total Acres</u>
Paul Chupka	North Bush Road (Johnstown)	131-1-3	48.4
	Sweet Road (Johnstown)	131-1-31.1	57.9

and, be it further

Resolution No. 274 (Continued)

RESOLVED, That the Planning Director be and hereby is authorized and directed to file the necessary maps and reports with the NYS Department of Agriculture and Markets and to do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, Town of Johnstown, Town of Perth, Fulton County Agricultural and Farmland Protection Board, NYS Department of Agriculture and Markets, Respective Property Owner, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 518 (18) Nays: 0 Abstentions: 6 (1) (Supervisor Johnson)
Absent: 27 (1) (Supervisor Ottalagano)

Resolution No. 275

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING CERTAIN MEMBERS TO THE FULTON COUNTY
COMMUNITY SERVICES BOARD**

WHEREAS, vacancies exists on the Fulton County Community Services Board; now, therefore
be it

RESOLVED, That Dianne Mott, of Mayfield, NY, be and hereby is appointed to the Fulton
County Community Services Board, effective immediately through the balance of the term
ending December 31, 2012; and, be it further

RESOLVED, That Denise Frederick, of Johnstown, NY, be and hereby is appointed to the
Fulton County Community Services Board, effective immediately through the balance of the
term ending December 31, 2015; and, be it further

RESOLVED, That Ms. Mott and Mrs. Frederick are required to complete the Fulton County
Board of Ethics' Financial Disclosure Statement and are further directed to sign the Fulton
County Oath Book located in the Fulton County Clerk's Office; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer,
County Clerk, Fulton County Board of Ethics, Community Services Board, Dianne Mott, Denise
Frederick and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 276

Supervisors DIGIACOMO, HOWARD AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION EXTENDING EMPLOYMENT OF SUPERVISING SOCIAL
WORKER IN THE COMMUNITY SERVICES DEPARTMENT

WHEREAS, the Fulton County Mental Health Clinic was transitioned to private ownership effective January 1, 2012, in accordance with a plan devised by the Director of Community Services; and

WHEREAS, said plan included employing a Supervising Social Worker beyond the transfer date until August 31, 2012 to participate in close-out/transfer activities and ensure an orderly transition; and

WHEREAS, the Director of Community Services has reported that the consolidating, reduction and destruction of clinic records will not be completed by August 31, 2012; and,

WHEREAS, the Committees on Human Service, Personnel and Finance recommend extending the employment of the Supervising Social Worker position through September 30, 2012 to assist in completing transition activities, including records disposition, indexing and storage; now, therefore be it

RESOLVED, That the Supervising Social Worker position (Non-Union Job Group A/T 10a, 37.5 hrs, 2010 permanent salary \$60,969.00) be and hereby is extended through September 30, 2012; and be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Director of Community Services, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 277

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION SETTING FEES FOR FLU AND PNEUMONIA
VACCINATIONS AT PUBLIC HEALTH CLINICS**

WHEREAS, the Public Health Director and Committee on Human Services recommend revising fees for flu and pneumonia vaccinations at Public Health Clinics for individuals who do not have Medicare Part B or Senior Blue coverage; now, therefore be it

RESOLVED, That effective immediately, the fee for flu and pneumonia vaccinations be set at the next whole dollar amount over the Medicare rate, once the rate has been set; and, be it further

RESOLVED, That effective immediately the fee for flu and pneumonia vaccinations be set at \$20.00 for the uninsured or underinsured; and, be it further

RESOLVED, That effective immediately, the fee for VFC Flu Vaccinations for Children be set at \$7.00 per shot; and, be it further

RESOLVED, That the flu shot charge be waived for Public Health Department employees who are identified by the Centers for Disease Control in Risk Category 1; and, be it further

RESOLVED, That once the final Medicare rates have been established, the Public Health Director be and hereby is directed to return to the Board of Supervisors for resolution to establish the final rate schedule; and, be it further

RESOLVED, That the Public Health Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 278

Supervisor BORN offered the following Resolution and moved its adoption:

**RESOLUTION AWARDING A CERTAIN PARTIAL-YEAR BID TO
NORTH COUNTRY TRANSPORT FOR THE CHILDREN WITH
HANDICAPPING CONDITIONS TRANSPORTATION PROGRAM
(ST. MARY'S ACADEMY, AMSTERDAM, NY)**

WHEREAS, Resolution 371 of 2011 awarded bids for the Children with Handicapping Conditions Transportation Program for transportation services in 2012; and

WHEREAS, a new route must be established to provide transportation services for an afternoon Preschool Program to St. Mary's Academy, Amsterdam, NY; and

WHEREAS, Resolution 244 of 2012 authorized advertising for the establishment of said route and two (2) bids were received; now, therefore be it

RESOLVED, That a new route be and hereby is created for the Children with Handicapping Conditions Transportation Program effective September 6, 2012 through June 21, 2013, as follows:

Program Site/Route
Route #4
St. Mary's Academy (Amsterdam)

and, be it further

RESOLVED, That the bid, at a daily site route cost of \$154.99, as submitted by North Country Transport LLC of Glens Falls, NY, be and hereby is awarded; they providing the lowest bid in accordance with Specification #2012-40-03, dated July 16, 2012; and, be it further

RESOLVED, That said cost be a charge against A-295-2960.418 Educ of PHC-(3-5) Transportation; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, All Bidders, Budget Director/County Auditor and Administrative Officer/Purchasing Agent.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 418 (15) Nays: 106 (4) (Supervisors Callery, DiGiacomo, Howard,
Kemper) Absent: 27 (1) (Supervisor Ottalagano)

Resolution No. 279

Supervisors DIGIACOMO AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AWARDING BID FOR SALE OF EXCESS DENTAL EQUIPMENT (PUBLIC HEALTH DEPARTMENT)

WHEREAS, the Dental Clinic located at the Public Health Department was discontinued effective March 31, 2011; and

WHEREAS, Resolution 214 of 2012 authorized advertisement for bids for the sale of excess dental equipment in the Public Health Department and one (1) bid was received; now, therefore be it

RESOLVED, That the bid, as identified below, for certain surplus dental equipment be and hereby is awarded to Dr. Gary DiSanto-Rose, of Johnstown, NY; he being the sole bidder in accordance with Specification No. 2012-40-02, dated 18 June 2012;

• Drill Midwest, Rhino XP (1994)	\$ 75.00
• Dental Chair and equipment (1998)	2,580.00
• Doctor's stool, cascade (1998)	125.00
• AA21 Vacuum High Valve AV3 (2003)	75.00
• ADO-10 Aseptimini portable (2003)	325.00
• ADC-08 Aseptistool (2003)	100.00
• AA-25 Vacuum saliva ejector (2003)	75.00
• AA-74 110 compressor Airpac (2003)	225.00
• ALU-29 Aseptflight, portable (2003)	115.00
• ADC-10 Aseptichair/case (2003)	255.00
• ATC-01 Tray stand (2003)	50.00
• Mira Lux 635B and 640B Handpieces (4 total)	<u>500.00</u>
Total	\$4,500.00

and, be it further,

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Dr. DiSanto-Rose, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 280

Supervisors DIGIACOMO, HOWARD AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION REVISING OFFICE HOURS OF THE PUBLIC HEALTH
DEPARTMENT ON A TRIAL BASIS

WHEREAS, the Public Health Department has experienced a reduction of staff over the last few years; and

WHEREAS, the public health nurses' work day is 8:00 a.m. until 4:00 p.m., in accordance with the governing collective bargaining agreement; and

WHEREAS, patient care occurs between the hours of 8:00 a.m. and 9:00 a.m. and patient care activities are minimal during the period 4:00 p.m. to 5:00 p.m.; and

WHEREAS, accessibility to public services for residents is a key criteria for determining office hours for County departments; now, therefore be it

RESOLVED, That the public hours of Fulton County Public Health Department be and hereby are 8:00 a.m. to 4:00 p.m. work days from September 1, 2012 through February 28, 2013 and, be it further

RESOLVED, That said revised hours specified herein are considered a pilot program and will be re-evaluated at the conclusion of the trial period; and be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Department, Personnel Director, All other County Departments, Budget Director and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 281

Supervisors DIGIACOMO AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING SUBMISSION OF STATEMENT OF INTEREST TO THE NYS DEPARTMENT OF HEALTH TO PERFORM CERTAIN MEDICAID ADMINISTRATIVE FUNCTIONS

WHEREAS, Section 6 of Part F of Chapter 56 of the laws of 2012 authorized the NYS Department of Health (NYSDOH) to assume the responsibility for the administration of the Medicaid program from local Social Services districts by March 31, 2018; and

WHEREAS, Statements of Interest were solicited by the New York State Department of Health from all Counties to determine if there was interest in contracting with NYSDOH to perform certain Medicaid administrative functions; and

WHEREAS, said Statement of Interest is due to NYSDOH no later than September 10, 2012; and

WHEREAS, the Statement of Interest will be used for planning purposes only and is not binding on the County; now, therefore be it

RESOLVED, That upon the recommendation of the Commissioner of Social Services, and Committees on Human Services and Finance, the Commissioner is authorized to submit a Statement of Interest to the New York State Department of Health outlining the following:

1. Fulton County is interested in conducting Medicaid MAGI renewals until the State can fully centralize administration of the MAGI renewals.
2. Fulton County is not interested in providing in-person application assistance to MAGI applicants/enrollees
3. Fulton County is interested in contracting with the State for eligibility determinations for Non-MAGI applicants over age 65, on Medicare, categorically eligible for Medicaid based on another program and whose eligibility is based on chronic care budgeting:

Resolution No. 281 (Continued)

- Process applications and renewals for aged, blind, disabled individuals, excluding automated renewals
- Chronic care and alternate levels of care eligibility determinations and renewals
- Process applications and renewals for the Medicaid Buy-in for Working Persons with Disabilities program
- Conducting Disability determinations
- SSI cases, including separate determinations when an individual loses receipt of SSI

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, New York State Department of Health, Commissioner of Social Services, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 453 (14) Nays: 71 (5) (Supervisors Callery, Howard, Johnson, Kemper, Ottuso) Absent: 27 (1) (Supervisor Ottalagano)

Resolution No. 282

Supervisor HOWARD offered the following Resolution and moved its adoption:

**RESOLUTION ACKNOWLEDGING PREMIUMS FOR CSEA EMPLOYEE BENEFIT FUND
SUNRISE DENTAL PLAN FOR COUNTY EMPLOYEES**

WHEREAS, the CSEA General Unit collective bargaining agreement expired on December 31, 2009; and

WHEREAS, the CSEA Employee Benefit Fund for the Sunrise Dental Plan runs concurrently for the duration of the collective bargaining agreement; and

WHEREAS, the County previously entered into a contract with CSEA Employee Benefit Fund for dental coverage through June 30, 2012, at a cost of \$71.40 per month per employee; and

WHEREAS, the CSEA Employee Benefit Fund has notified the County that the monthly premiums for said dental plan will increase as follows:

July 1, 2012 – June 30, 2013	\$74.26 per month per employee
July 1, 2013 – June 30, 2014	\$78.42 per month per employee
July 1, 2014 – June 30, 2015	\$80.38 per month per employee

and, be it further

RESOLVED, That upon the recommendation of the Committees on Personnel and Finance, the Board of Supervisors hereby acknowledges the premiums specified herein for the CSEA Employee Benefit Fund Sunrise Dental Plan for County employees; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 283

Supervisors HOWARD AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION ABOLISHING VACANT PERSONNEL CLERK POSITION (PERSONNEL DEPARTMENT)

WHEREAS, the Personnel Director has reviewed current staffing in the Personnel Department and has recommended that a vacant full-time Personnel Clerk position be abolished; now, therefore be it

RESOLVED, That for reasons of efficiency and economy, upon the recommendation of the Personnel Director and Committees on Personnel and Finance, effective immediately, one (1) vacant full-time Personnel Clerk (Non-Union Job Group A/T 1, \$21,869.00 per year) be and hereby is abolished; and, be it further

RESOLVED, That the Personnel Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 284

Supervisors HOWARD AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION ADOPTING NON-UNION SALARY STRUCTURE (2010-2014)

WHEREAS, the Committee on Personnel has conducted a review of the Non-Union Salary Structure; and

WHEREAS, said Committee recommends the attached salary list as appropriate for non-union personnel, excluding Department Heads and Elected Officials; now, therefore be it

RESOLVED, That effective from and as of January 1, 2010, the salaries, as attached hereto and made a part of this Resolution, be accepted and approved for the employees contained within various schedules for Non-Union employees, excluding Department Heads and Elected Officials which represents increases as follows:

January 1, 2010	0 percent
January 1, 2011	0 percent
January 1, 2012	0 percent
January 1, 2013	1.5 percent
January 1, 2014	2 percent

and, be it further

RESOLVED, That should any other adjustments to said schedules become necessary, the Personnel Director shall submit those requests to the Board of Supervisors through the Personnel Committee for review and dispensation; and, be it further

RESOLVED, That the Personnel Director be and hereby is directed to do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer and all Fulton County Department Heads.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

[illegible]

1/1/10- 1/1/14 NON-UNION SALARIES							
(1/1/10, 1/1/11 & 1/1/12 Salary Freeze; 1/1/13 - 1.5%; 1/1/14 - 2%)							
1.50%							
2.00%							
<u>ADMINISTRATIVE & TECHNICAL</u>							
JOB GROUP	POSITION	1/1/2010	1/1/2010				
		1/1/2011	1/1/2011				
		1/1/2012	1/1/2012	1/1/2013	1/1/2013	1/1/2014	1/1/2014
		MINIMUM	BASE	MINIMUM	BASE	MINIMUM	BASE
		SALARY	SALARY	SALARY	SALARY	SALARY	SALARY
A/T-1	Account Clerk (Personnel)	\$22,379	\$26,328	\$22,714	\$26,723	\$23,169	\$27,257
	Administrative Secretary (Inf) (40 hrs)	\$31,936	\$37,571				
	Administrative Secretary (DSS) (35 hrs)	\$27,966	\$32,901	\$28,385	\$33,395	\$28,953	\$34,062
	Legislative Aide ¹	\$30,830	\$36,270	\$31,292	\$36,814	\$31,918	\$37,550
	Personnel Specialist	\$24,236	\$28,513	\$24,600	\$28,941	\$25,092	\$29,520
	Secretary to Chairman of the Board	\$28,372	\$33,379	\$28,798	\$33,880	\$29,374	\$34,557
	Secretary to the Sheriff (40 hrs)	\$27,824	\$32,734	\$28,241	\$33,225	\$28,806	\$33,890
	Senior Account Clerk (Personnel)	\$23,985	\$28,218	\$24,345	\$28,641	\$24,832	\$29,214
	Senior Payroll Clerk (Personnel)	\$24,050	\$28,294	\$24,411	\$28,718	\$24,899	\$29,293
	Typist (Personnel)	\$21,819	\$25,670	\$22,147	\$26,055	\$22,590	\$26,576
A/T-2	Food Service Supervisor	\$31,958	\$37,598				
A/T-3	Confidential Secretary to DA ^{2,3,4,5,6}	\$35,560	\$41,835	\$36,093	\$42,463	\$36,815	\$43,312
A/T-3a		\$48,880	\$57,506	\$49,613	\$58,369	\$50,606	\$59,536
A/T-4	Accountant (35 hrs) (MHC)	\$37,802	\$44,473	\$38,369	\$45,140	\$39,136	\$46,043
	Accounting Supervisor, Grade B	\$37,802	\$44,473	\$38,369	\$45,140	\$39,136	\$46,043
	Alcohol/Substance Abuse Counselor	\$35,034	\$41,217				
	Public Health Fiscal Manager	\$37,802	\$44,473	\$38,369	\$45,140	\$39,136	\$46,043
	Solid Waste Operations Manager (40 hrs)	\$42,480	\$49,976	\$43,117	\$50,726	\$43,979	\$51,740
	Superintendent of Bldg & Grds (40 hrs)(Inf)	\$42,480	\$49,976				
A/T-5	Highway Maintenance Supervisor (40 hrs)	\$39,648	\$46,645	\$40,243	\$47,345	\$41,048	\$48,292
	Nursing Service Training Coord (40 hrs)	\$48,086	\$56,572				
	Supervising Nurse (40 hrs)	\$46,414	\$54,605				
A/T-6	Alcohol Abuse Program Coordinator	\$41,291	\$48,578				
	Assistant Director of Nursing (40 hrs)	\$49,118	\$57,786				
	Director of Financial Assistance	\$41,291	\$48,578	\$41,911	\$49,307	\$42,749	\$50,293
	Director of Services	\$41,291	\$48,578	\$41,911	\$49,307	\$42,749	\$50,293
A/T-7	Director of Nursing (40 hrs)	\$50,779	\$59,740				
	Director of Patient Services (40 hrs)	\$50,779	\$59,740				
	Nursing Home Controller (40 hrs)	\$52,700	\$62,000				
	Supervising Public Health Nurse (40 hrs)	\$50,779	\$59,740	\$51,541	\$60,636	\$52,571	\$61,849
REMARKS:							
1) Reso 566 (11/26/07) - Increased Deputy Clerk of the Board stipend to \$6,000 and increased Deputy Purchasing Agent stipend to \$4,000 eff 1/1/08. Not included in base salaries above.							
2) Reso 371 (9/14/09) - Established State Aid to Prosecution grant stipend of \$1,150.80 eff 9/16/09 - 3/31/10. Not included in base.							
3) Reso 171 (4/12/10) - Authorized extension of SAP stipend of \$500.28 from 4/1/10 - 6/30/10. Not included in base.							
4) Reso 196 (5/10/10) - Established SAP stipend of \$1302 effective 6/19/10 - 3/31/11. Not included in base.							
5) Reso 230 (6/14/10) - Amended Reso 196 (5/10/10); Established SAP stipend of \$1,692.35 eff 7/1/10 - 6/30/11. Not included in base.							
6) Reso 232 (7/11/11) - Established SAP stipend of \$1,556.96 effective 7/11/11 - 6/30/12. Not included in base.							

[illegible]

[illegible]

1/1/10 - 1/1/14 NON-UNION SALARIES				
(1/1/10, 1/1/11 & 1/1/12 Salary Freeze; 1/1/13 - 1.5%; 1/1/14 - 2%)		1.50%	2.00%	
<u>PART-TIME EMPLOYEES</u>				
		1/1/2010		
		1/1/2011		
		1/1/2012	1/1/2013	1/1/2014
		BASE	BASE	BASE
		<u>SALARY</u>	<u>SALARY</u>	<u>SALARY</u>
Assistant County Attorney		\$22,581	\$22,920	\$23,378
Assistant District Attorney (4th - 24 hrs/wk)		\$35,546	\$36,079	\$36,801
Assistant Public Defender (PT)(20 hrs/wk)		\$38,169	\$38,742	\$39,516
Assistant Public Defender (PT)(20 hrs/wk) (2nd Asst assigned to Family Court)		\$35,806	\$36,343	\$37,070
Assistant Public Defender (PT)(20 hrs/wk)		\$34,079	\$34,590	\$35,282
Assistant Public Defender (PT) (20 hrs/week) ²		\$34,079	\$34,590	\$35,282
Assistant Social Services Attorney (17.5 hrs/wk)		\$25,076	\$25,452	\$25,961
County Historian		\$6,043	\$6,134	\$6,256
Director Information/Printing Services (15 hrs/wk) ⁶		\$26,159		
Director of Veterans Service Agency (20 hrs/wk) ⁵		\$23,190	\$23,538	\$24,009
Election Commissioners (PT)(10 hrs/wk) ⁴		\$12,862	\$13,055	\$13,316
Executive Secretary to the Traffic Safety Board ³		\$12.53		
Mortgage Tax Clerk		\$2,057	\$2,088	\$2,130
Public Defender (PT)(20 hrs/wk)		\$59,760	\$60,656	\$61,870
STOP-DWI Coordinator (10 hrs/wk) ⁴		\$11,071	\$11,237	\$11,462
Youth Bureau Director (10 hrs/wk) ^{1,4}		\$15,630	\$15,864	\$16,182
REMARKS:				
1) Reso 236 (6/14/10) - Authorized increasing salary from \$14,130 to \$15,630 eff 7/5/10.				
2) Reso 480 (12/2/10) - Eff 1/1/11, reclassified full-time position to part-time position - 20 hrs/week. Est 2010 base salary at \$34,079.				
3) Reso 449 (11/8/10) - Abolished position eff 1/1/11.				
4) Reso 334 (9/13/10) - Established positions as salaried for payroll purposes with a workweek of 10 hrs/week.'				
5) Reso 239 (7/11/11) - Reduced FT position to PT (20 hrs/week with benefits) effective 1/1/12.				
6) Reso 204 (5/14/12) Created temporary, part-time position eff 7/2/12 at 15 hrs/week; no benefits.				

Resolution No. 285

Supervisors HOWARD AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON PROPOSED LOCAL LAW "D"
of 2012 ADJUSTING SALARIES OF ELECTED AND APPOINTED POSITIONS IN THE
COUNTY OF FULTON (2010-2014)**

WHEREAS, there has been duly presented and introduced at a meeting of the Fulton County Board of Supervisors, held on August 13, 2012, a proposed local law entitled, "LOCAL LAW 'D' OF 2012 ADJUSTING SALARIES OF ELECTED AND APPOINTED POSITIONS IN THE COUNTY OF FULTON"; and

WHEREAS, by this Local Law, the Board of Supervisors desires to increase the salaries of positions identified therein by 0 percent for 2010, 2011 and 2012, 1.5 percent for 2013 and 2 percent for 2014; now, therefore be it

RESOLVED, That a public hearing shall be held for said proposed Local Law "D" for the year 2012 by the Fulton County Board of Supervisors, on September 10, 2012, at 1:30 p.m., in the Supervisors' Chambers, County Office Building, Johnstown, NY, and at least seven days' notice (excluding Sundays) of such public hearing be given by the Clerk of the Board by duly posting upon the bulletin boards of the Fulton County Office Building, Johnstown, NY, and by publication at least once in the official Fulton County newspaper; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Personnel Director, All County Department Heads, NYS Comptroller and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

[illegible]

Resolution No. 286

Supervisor WALDRON offered the following Resolution and moved its adoption:

**RESOLUTION AWARDING BIDS FOR FOODSTUFFS AND OTHER SUPPLIES FOR USE
IN THE FULTON COUNTY CORRECTIONAL FACILITY**

RESOLVED, That bids, as submitted and placed on file in the Office of the Purchasing Agent, for the purchase of foodstuffs and other supplies for use by the Fulton County Correctional Facility, effective September 1, 2012 through December 31, 2012, be and hereby are awarded to vendors as follows:

<u>Vendor</u>	<u>Items</u>	<u>Total Bid Estimate</u>
Sysco Foods	Frozen Foods	\$19,403.91
Halfmoon, NY	Refrigerated Foods/Dry Goods	25,435.26
Bimbo Foods	Bread and Rolls	\$ 4,643.50
Albany, NY		

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Correctional Facility, Sheriff, All Bidders, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 287

Supervisors WALDRON AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION ACCEPTING GRANT FROM THE H-F-M PREVENTION COUNCIL TO
COMBAT UNDERAGE DRINKING (SHERIFF)**

WHEREAS, Fulton County has been notified that it has been awarded \$20,000.00 in grant funds from the NYS Office of Alcohol and Substance Abuse Services and H-F-M Prevention Council to combat underage drinking in Fulton County; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a grant agreement with H-F-M Prevention Council in an amount of \$20,000.00, to combat underage drinking in Fulton County; and, be it further

RESOLVED, That the 2012 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

A-083-1520.000 Sheriff Reimb for Svcs	\$20,000.00
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Appropriation Account:

A-305-3110.110 Sheriff Dept-OT	\$15,000.00
A-305-3111.100 Special Deputies	<u>5,000.00</u>
	\$20,000.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 288

Supervisors WALDRON AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING CLOSEOUT OF DIVE TEAM TRUST AND AGENCY ACCOUNT AND PURCHASE OF CERTAIN MATERIALS (SHERIFF)

WHEREAS, Resolution 213 of 1996 established a Trust and Agency account for the Fulton County "Dive Team"; and

WHEREAS, the Fulton County Sheriff and Undersheriff were designated as the officials authorized to approve the expenditure of such funds; and

WHEREAS, the Sheriff has reported that the Dive Team was disbanded several years ago due to lack of participation and reduced staffing levels; and

WHEREAS, an amount of approximately \$1,876.14 remains in the aforementioned Trust and Agency account and the Sheriff is requesting the purchase of items that generally meets the criteria for expending funds included in founding resolution; now, therefore be it

RESOLVED, That the Sheriff be and hereby is authorized to purchase the following equipment for distribution to Sheriff Department patrol vehicles for official use only during water-related emergencies:

- 12 Stearns General Purpose Flotation Vest
- 12 Rescue Mate Throw Bag with 70' of 3/8" braided, polypropylene rope
- 12 USCG Accepted Orange Whistles
- 12 10-pack of Yellow Light Sticks at Night
- 12 Thermal Space Blankets
- 12 Nylon Mesh Bags
- 12 Dyna-Med First Responder First Aid Kits

and, be it further

Resolution No. 288 (continued)

RESOLVED, That upon the recommendation of the Committees on Public Safety and Finance, the County Treasurer be and hereby is directed to close-out the Dive Team Trust and Agency Account and transfer the remaining balance to A-305-3110.200 Sheriff Dept-Equipment; and, be it further

RESOLVED, That the 2012 Adopted Budget be and hereby is amended as follows:

Revenue:

Increase A-083-1520.000 Sheriff Reimb for Svcs \$1,876.14 (approximate)

Appropriation:

Increase A-305-3110.200 Sheriff Dept-Equipment \$1,876.14 (approximate)

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 289

Supervisors WALDRON, HOWARD AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AMENDING RESOLUTION 246 OF 2012 TO REVISE PERIOD FOR 2011-2012 STATE AID TO PROSECUTION GRANT (DISTRICT ATTORNEY)

WHEREAS, Resolution 246 of 2012 amended Resolution 232 of 2011 to reflect adjustments to certain stipends in the District Attorney's Office; and

WHEREAS, the contract dates specified in Resolution 246 were incorrect inasmuch as they should have reflected the nine (9) month grant period July 1, 2011 through March 31, 2012; and now, therefore be it

RESOLVED, that the Chairman of the Board of Supervisors be and hereby is authorized and directed to sign an amended contract with DCJS for the 2011-2012 State Aid to Prosecution Grant effective July 1, 2011 through March 31, 2012, subject to the approval of the County Attorney; and, be it further

RESOLVED, That the Personnel Director do each and everything necessary to carry out the purport of this Resolution, including paying grant-related stipends over the grant period July 1, 2011 through March 31, 2012; and, be it further

RESOLVED, That the District Attorney and County Treasurer do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, District Attorney, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 290

Supervisors WALDRON AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING PURCHASE OF CERTAIN OFFICE EQUIPMENT FOR USE IN THE DISTRICT ATTORNEY'S OFFICE (100% CRIME VICTIM GRANT FUNDS)

WHEREAS, Resolution 329 of 2009 authorized application and acceptance of Crime Victim Assistance Program grant funds for State fiscal years 2009 through 2012; and

WHEREAS, the District Attorney requests that a portion of remaining grant funds be used to purchase certain equipment; now, therefore be it

RESOLVED, That the District Attorney be and hereby is authorized to purchase the following equipment for use in the District Attorney's office:

(2) Black mid back chairs	\$328.00
(2) Black task chairs	322.00
(1) Black HP Laser Jet Printer	155.00
Shipping	100.00

and, be it further

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: A-045-1165.465 DA-Crime Victim Grant
To: A-045-1165.202 DA-Equipment (Victim Advocate)
Sum: \$900.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, District Attorney, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KEMPER and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 291

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION ABOLISHING A PART-TIME MOTOR VEHICLE CLERK POSITION AND RE-ESTABLISHING FUNDING FOR FULL-TIME MOTOR VEHICLE CLERK POSITION IN THE COUNTY CLERK'S OFFICE

WHEREAS, Resolution 126 of 2012 created a part-time Motor Vehicle Clerk position and placed a \$1.00 hold on a vacant full-time Motor Vehicle Clerk position in the County Clerk's Office; and

WHEREAS, the County Clerk has recommended that the part-time Motor Vehicle Clerk position be abolished and funding be re-established for the full-time Motor Vehicle Clerk position; and

WHEREAS, the Committee on Finance concurs that the full-time Motor Vehicle Clerk position is warranted based upon the department workload; now, therefore be it

RESOLVED, That the aforementioned part-time Motor Vehicle Clerk position be and hereby is abolished and one (1) full-time Motor Vehicle Clerk position (Union Job Group A-5, 2009 permanent rate: \$14.71 per hour) be and hereby is re-established in the County Clerk's Office effective October 1, 2012; and, be it further

RESOLVED, That the County Clerk and Personnel Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Clerk, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 292

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN SURPLUS EQUIPMENT

WHEREAS, the Purchasing Agent recommends disposal of broken equipment in certain departments; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized to dispose of the following County surplus equipment, in accordance with the Fulton County Purchasing and Audit Guidelines:

Sheriff's Department:

(2) Motorola Power Supply (#2181) (Purchased 8/24/94)
Dell Monitor (NO ID)
Motorola Radio (#3215) (Purchased 8/24/94)
Motorola Radio (#4966) (Purchase 8/24/94)
Motorola Radio (#4971) (Purchased 8/24/94)
Motorola Radio (NO ID)

Social Services:

Printer (#0006611) (Purchased 12/7/04)

Highways & Facilities:

82-D TR338 Chainsaw (#00007028) (Purchased 9/20/06)

and, be it further

RESOLVED, That the Superintendent of Highways and Facilities, Solid Waste Director and Purchasing Agent be and hereby are directed to arrange for the disposal of the listed surplus as scrap and/or refuse, to be coordinated with the Solid Waste Department's current bulky metals contract, as necessary; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Solid Waste Director, Sheriff, Social Services Commissioner, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 293

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION ADOPTING 2012-2013 FMCC BUDGET

WHEREAS, the Fulton-Montgomery Community College Board of Trustees has presented the sponsoring counties with a 2012-2013 budget request, proposing a total FMCC budget of \$20,049,603.00; and

WHEREAS, a public hearing related to the adoption of said FMCC Budget was held on August 13, 2012 and everyone who wanted to speak was heard; now, therefore be it

RESOLVED, That the several amounts reflecting the share to be appropriated by Fulton County be and the same hereby are appropriated for the objects and purposes specified below, to become effective September 1, 2012:

Fulton County Sponsor Share:	\$ 1,395,821.00
Revenues and Montgomery Co. Share:	<u>18,653,782.00</u>
Total FMCC Operating Budget	\$20,049,603.00

and, be it further

RESOLVED, That the share and obligation of the County of Fulton shall be included in the Fulton County Budget for 2012, as provided for in Section 6304 of the Education Law of the State of New York; and, be it further

RESOLVED, That the Board of Supervisors hereby directs the FMCC Board of Trustees to prepare a final 2012-2013 College budget in accordance with the sums appropriated herein; and, be it further

RESOLVED, That this Resolution is contingent upon adoption of a similar resolution by the Montgomery County Board of Supervisors; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, FMCC Board of Trustees, Montgomery County Board of Supervisors, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 294

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CONTRACT WITH BENETECH FOR THIRD PARTY
ADMINISTRATOR SERVICES FOR WORKERS COMPENSATION
SELF-INSURANCE PLAN (2013-2015)**

WHEREAS, Resolution 388 of 2009 authorized a contract with Benetech, Inc. to provide Third-Party Administrator Services for the Fulton County Workers Compensation Self-Insurance Program, effective January 1, 2010 through December 31, 2012; and

WHEREAS, Benetech, Inc. has submitted a new three-year contract proposal for the period January 1, 2013 through December 31, 2015; and

WHEREAS, the Administrative Officer and the Committee on Finance have reviewed said proposal and the past work of Benetech and recommend renewal; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Finance, the Chairman of the Board be and hereby is authorized to sign a contract with Benetech, Inc., of North Greenbush, NY, to provide Third-Party Administrator Services for the Fulton County Workers Compensation Self-Insurance Plan, at the following costs, effective January 1, 2013 through December 31, 2015:

Administration Base Fee:	2013	\$52,379.00
	2014	50,367.00
	2015	48,354.00

and, be it further

RESOLVED, That said contract is subject to the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, Worker's Compensation Insurance Plan, Benetech, Inc., Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 295

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION RENEWING PROPERTY AND LIABILITY INSURANCE FOR 2012-2013 FOR COUNTY DEPARTMENTS

WHEREAS, Fulton County holds certain property and liability insurance policies through the New York Municipal Insurance Reciprocal, a self-owned cooperative insurance pool; and

WHEREAS, the County holds other specialized liability and property insurance through private insurance carriers; and

WHEREAS, NYMIR has submitted a proposal for renewal of said policies that results in a total premium decrease of approximately 10 percent for the 2012-2013 policy year; now, therefore be it

RESOLVED, That the insurance policies be renewed for 2012-2013 through Mang Agency, broker-of-record for the County, as follows:

<u>Policy</u>	<u>Renewal Premium</u>
Property	\$ 30,640.50
Boiler & Machinery	4,753.10
General Liability	55,310.20
Auto	51,660.40
Excess Catastrophe Liability	10,088.10
Inland Marine	22,041.80
Bond/Crime	6,108.00
Law Enforcement Liability	81,770.70
Public Officials Liability	28,570.30
Healthcare Prof. Liability (Nurses/Clinics)	16,330.34
Healthcare General Liability	980.12
Airport Liability	4,850.00
Motor Vehicle Fee	1,020.00
Fire Fee	134.69
OCP Liability	<u>550.00</u>
EST. ANNUAL PREMIUM	\$314,808.25

and, be it further

Resolution No. 295 (continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, All Department Heads, Mang Agency, Budget Director/County Auditor and Administrative Officer/ Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 296

Supervisor FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING EXECUTION OF STIPULATION AND ORDER WITH THE
NYS DEPARTMENT OF HEALTH AND AUTHORIZING PAYMENT OF FINE RELATED
TO RHCF SURVEY IN JULY 2011**

WHEREAS, the NYS Department of Health performed a survey of the Residential Health Care Facility July 25, 2011; and

WHEREAS, as a result of said survey findings, the RHCF submitted a Plan of Correction to perform in-service training and other corrective measures to the satisfaction of the Department of Health; and

WHEREAS, the Plan of Correction was submitted timely and accepted by the State Department of Health; and

WHEREAS, the County received formal notice, dated June 29, 2012, stating that the NYS Department of Health also determined to impose a fine of \$10,000.00 upon the County as the owners of the RHCF in 2011; and

WHEREAS, the Board of Supervisors has the option of executing a Stipulation and Order to pay the fine or enter a protracted appeal process to dispute the original findings; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a Stipulation and Order to pay with the NYS Department of Health and authorize payment of a \$10,000.00 fine related to said July 25, 2011 RHCF Survey; and, be it further

RESOLVED, That the County Treasurer be and hereby is authorized to make the following transfer:

From: EH-845-6020.430 RHCF-Cash Receipts Assessments
To: EH-845-6020.411 RHCF- Deficiencies, Fines
Sum: \$10,000.00

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Nursing Home Controller, Budget Director/County Auditor.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 478 (17) Nays: 46 (2) (Supervisors Callery and Ponticello)
Absent: 27 (1) (Supervisor Ottalagano)

Resolution No. 297

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION ADOPTING LOCAL LAW “3” OF 2012 ENTITLED, “A LOCAL LAW TO AUTHORIZE OVERRIDING THE STATE-MANDATED TAX LEVY LIMIT FOR THE 2013 FULTON COUNTY BUDGET”

WHEREAS, proposed Local Law "3" of 2012 entitled, "A LOCAL LAW TO AUTHORIZE OVERRIDING THE STATE-MANDATED TAX LEVY LIMIT FOR THE 2013 FULTON COUNTY BUDGET" has laid upon the desks of the Board of Supervisors for the required period; and

WHEREAS, a public hearing was held on August 13, 2012, after due posting thereof and everyone who wanted to speak was heard; now, therefore be it

RESOLVED, That Local Law No. "3", hereinabove referenced, be and hereby is approved; and, be it further

RESOLVED, That the Clerk of the Board is directed to number said local law for appropriate recording and filing purposes; and, be it further

RESOLVED, That the Chairman of the Board of Supervisors and County Attorney be authorized and empowered to do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, NYS Secretary of State, Fulton County Code Book, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 471 (18) Nays: 53 (1) (Supervisor DiGiacomo)
Absent: 27 (1) (Supervisor Ottalagano)

COUNTY OF FULTON
LOCAL LAW 3 OF 2012 ENTITLED,
“LOCAL LAW TO AUTHORIZE OVERRIDING THE STATE-MANDATED TAX
LEVY LIMIT FOR THE 2013 FULTON COUNTY BUDGET”

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FULTON,
AS FOLLOWS:

Purpose:

The intent of this local law is to comply with the requirements of General Municipal Law Section 3-c (5) prior to adopting the 2013 Fulton County Budget. The slow recovery of the national, state and local economies from the most recent recession and the continued financial obligations imposed on the County by the State of New York in the form of mandated government activities not fully funded by the State are conditions beyond the control of County government. Notwithstanding these circumstances the County will need to provide services in 2013, in addition to those mandated by the State, which are important to its citizens. After sustained effort to minimize the amount of the tax levy, and to project the tax levy limit for Fulton County for 2013, a responsible budget for 2013 may require a tax levy that will be greater than the tax levy limit calculated pursuant to applicable State Law.

1. **Budget Authorization:** The Board of Supervisors hereby overrides the tax levy limit for Fulton County for 2013 and authorizes Fulton County, after completing all required procedures for the adoption of a budget, to adopt a budget for 2013 that requires a tax levy that is greater than the tax levy limit calculated for 2013 pursuant to Section 3-c of the General Municipal Law.

Resolution No. 298

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING TRANSFERS AND BUDGET AMENDMENTS

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfers:

From: A-305-3110.110 Sheriff Dept-OT
To: A-305-3111.100 Special Deputies-P/R
Sum: \$4,000.00

From: A-325-3140.100 Probation Dept-P/R
To: A-325-3140.402 Probation Dept-Travel
Sum: \$800.00

From: A-325-3140.100 Probation Dept-P/R
To: A-325-3140.110 Probation Dept-OT
Sum: \$750.00

From: A-505-6010.420 DSS-Misc
To: A-505-6010.190 DSS-Uniform Allowance
Sum: \$300.00

From: EH-845-6020.110 RHCF-OT	\$3,500.00	
EH-845-6020.430 RHCF-Cash Receipts Assessments	\$3,100.00	
To: EH-845-6020.100 RHCF-P/R		\$6,600.00

and, be it further

RESOLVED, That the 2012 Adopted Budget be amended, as follows:

Revenue Account:

Increase A-083-2680.000	Insurance Recoveries	\$ 512.20
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Appropriation Account:

Increase A-345-3150.403	Jail-Repairs/Tuneups	\$ 512.20
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and, be it further

Resolution No. 298 (continued)

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Probation Director, Commissioner of Social Services, Nursing Home Controller, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 299

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AWARDING BID TO J.W. STEVENS COMPANY FOR HOT
WATER BOILER REPLACEMENT FOR COUNTY COMPLEX I**

WHEREAS, Resolution 262 of 2012 authorized advertisement for bids for the purchase of a Gas Boiler for County Complex I and one (1) bid was received; and

WHEREAS, Superintendent of Highways and Facilities has reviewed options for said boiler replacement and recommends a big award for Alternate Bid 1 – 6 million BTU boiler with installation, warranty, start-up and training, to J.W. Stevens of East Syracuse, NY, for the Hot Water Boiler replacement for County Complex I at a cost not to exceed \$78,875.00; now, therefore be it

RESOLVED, That upon the recommendation of the Superintendent of Highways & Facilities and Committee on Buildings & Grounds/Highway, the net bid in the amount of \$78,875.00 for Alternate Bid 1, as submitted by J.W. Stevens of East Syracuse, NY, for the Hot Water Boiler replacement at County Complex I be and hereby is awarded; they being the only bidder in accordance with Bid Specification 2012-24-03; said contract subject to the approval of the County Attorney; and, be it further

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: A-285-1990.400 Contingent Fund Expense
To: A-245-1621.201 Co. Complex-Capital
Sum: \$78,875.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, J.W. Stevens, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor JOHNSON and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)

Resolution No. 300

Supervisor FAGAN offered the following Resolution and moved its adoption:

RESOLUTION EXTENDING EMPLOYMENT OF NURSING HOME CONTROLLER POSITION

WHEREAS, Resolution 121 of 2012 confirmed an interim structure for Nursing Home Administration at the Residential Health Care Facility; and

WHEREAS, said interim structure extended the Nursing Home Controller position through June 30, 2012 to carry out final billing, payroll process and reimbursement accounting as well as Cost Reports and Financial Statements beyond the transfer date of April 1, 2012; and

WHEREAS, Resolution 220 of 2012 authorized a Resolution extending employment of Nursing Home Controller Position through July 31, 2012 to assist with New York State Office of Medicaid Inspector General audit of Medicaid billing records of the former Residential Health Care Facility for the period September 1, 2009 through October 31, 2011, among other things; and

WHEREAS, the Residential Health Care Facility Financial Statements and final close-out billing work will not be fully completed until late August; and

WHEREAS, the Committee on Finance recommends extending the employment of the Nursing Home Controller position through September 28, 2012, to provide the administrative support necessary to comply with audit reports, Financial Statement completion and final close-out billing work; now, therefore be it

RESOLVED, That the Nursing Home Controller position be and hereby is extended through September 28, 2012; and be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Nursing Home Controller, Personnel Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Ottalagano)